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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,542	08/22/2001	Takeshi Komano	393032027700	1520

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EXAMINER

FLETCHER, MARLON T

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 04/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,542

Applicant(s)

KOMANO ET AL.

Examiner

Marlon T Fletcher

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-23, 25, 27 and 29 is/are rejected.
- 7) ☒ Claim(s) 10, 12, 24, 26, 28 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-4, 6-8, 13-18, 21, and 22, are rejected under 35 U.S.C. 102(e) as being anticipated by Kizaki et al. (6,303,852).

As recited in claims 1 and 13, Kizaki et al. disclose a tone generation apparatus for generating a tone on the basis of performance information, a plug-in board (abstract) being removably attachable via slot (10) to said tone generation apparatus, said plug-in board being capable of generating a tone on the basis of performance information and extending a tone generating function of said tone generation apparatus (abstract), said tone generation apparatus comprising: a nonvolatile memory (3) that is capable of storing at least tone color name information and tone parameter name information of tone color data possessed by said plug-in board attached to said tone generation apparatus; a detector (abstract) that detects whether a plug-in board replacement has taken place in said tone generation apparatus as discussed in column 9, line 56 through

Art Unit: 2837

column 10, line 15; and an updating processing section that, when it is detected by said detector that the plug-in board replacement has taken place, updates stored contents of said nonvolatile memory with tone color name information and tone parameter name information of tone color data possessed by another plug-in board newly attached to said tone generation apparatus as discussed in the abstract; column 3, lines 20-54; and column 6, line 61 through column 7, line 8.

As recited in claim 2, Kizaki et al. disclose a tone generation apparatus, wherein said nonvolatile memory is further capable of storing plug-in board identification information identifying said plug-in board attached to said tone generation apparatus, and wherein said detector detects whether or not the plug in board replacement has taken place in said tone generation apparatus, by comparing plug-in board identification information obtained from said plug-in board attached to said tone generation apparatus and the plug-in board identification information stored in said nonvolatile memory as discussed in column 5, lines 11-14.

As recited in claims 3, 15, and 16, Kizaki et al. disclose a tone generation apparatus to which a plug-in board is removably attachable via slot (10), said plug-in board being capable of generating a tone on the basis of performance information and extending a tone generating function of said tone generation apparatus, said tone generation apparatus comprising: a tone generation section (6) that generates a tone on the basis of performance information; a tone color selection section (4) that selects tone colors of tones to be generated by said plug-in board attached to said tone generation apparatus and by said tone generation section as discussed in column 10, line 53

through column 11, line 14; an offset editing section that edits a tone color possessed by said plug-in board attached to said tone generation apparatus, by adding desired modification data to tone color data of the tone color possessed by said plug-in board (abstract; column 3, lines 4-19; and column 11-44-67); and a transfer control section that, when the tone color selected by said tone color selection section has been edited by said offset editing section, transfers a tone color number and the modification data of the selected tone color to said plug-in board (column 8, lines 59-64; column 9, line 62 through column 10, line 2).

As recited in claims 4, 17, and 18, Kizaki et al. disclose a tone generation apparatus for generating a tone on the basis of performance information, a plug-in board being removably attachable to said tone generation apparatus, said plug-in board being capable of generating a tone on the basis of performance information and extending a tone generating function of said tone generation apparatus, said tone generation apparatus comprising: a performance information generation section that generates first performance information on the basis of a readout from a storage device (column 5, lines 7-14; column 6, lines 43-54); a performance information reception section that receives second performance information given from outside said tone generation apparatus (column 6, line 61 through column 7, line 8); and a merging processing section that merges said first performance information generated by said performance information generation section and said second performance information received by said performance information reception section, to thereby provide merged performance information, wherein a tone is generated by at least one of said

tone generation apparatus and said plug-in board on the basis of the merged performance information provided by said merging processing section (column 8, lines 10-64).

As recited in claim 6, Kizaki et al. disclose a tone generation apparatus for generating a tone on the basis of performance information, a plug-in board being removably attachable to said tone generation apparatus, said plug-in board being capable of generating a tone on the basis of performance information and extending a tone generating function of said tone generation apparatus, said tone generation apparatus comprising: a nonvolatile memory that is capable of storing at least tone color information of a custom voice possessed by said plug-in board, the tone color information of the custom voice being information obtained by editing tone color information originally possessed by said plug-in board and capable of being used for tone generation by said plug-in board (column 10, lines 53-67); and a control section that performs control to store, in said nonvolatile memory, the tone color information of the custom voice possessed by said plug-in board attached to said tone generation apparatus (column 11, lines 44-67).

As recited in claim 7, Kizaki et al. disclose a tone generation apparatus, which further comprises an input/output control section that transfers the tone color information of the custom voice, stored in said nonvolatile memory, to an external storage medium for saving, thereto, of the tone color information of the custom voice and that receives tone color information of a custom voice stored in an external storage

Art Unit: 2837

medium and loads the received tone color information into said nonvolatile memory (column 12, lines 1-67).

As recited in claims 8, 21, and 22, Kizaki et al. disclose a tone generation apparatus for generating a tone on the basis of performance information, a plug-in board being removably attachable to said tone generation apparatus, said plug-in board being capable of generating a tone on the basis of performance information and extending a tone generating function of said tone generation apparatus, said tone generation apparatus comprising: a nonvolatile memory (2, 3) that is capable of storing tone color information of a custom voice possessed by said plug in board and plug-in board identification information identifying said plug-in board, the tone color information of the custom voice being information obtained by editing tone color information originally possessed by said plug-in board and capable of being used for tone generation by said plug-in board (column 10, lines 53-67); a detector that, at powering-up of said tone generation apparatus, detects whether plug-in board identification information obtained from said plug-in board attached to said tone generation apparatus and the plug-in board identification information stored in said nonvolatile memory matches with each other (column 9, line 57 through column 10, line 15); and a control section that, when it is detected by said detector that the plug-in board identification information obtained from said plug-in board attached to said tone generation apparatus and the plug-in board identification information stored in said nonvolatile memory matches with each other, transfers the tone color information of the custom voice, stored in said nonvolatile memory, to said plug-in board attached to said

Art Unit: 2837

tone generation apparatus, to thereby write the tone color information of the custom voice into said plug-in board (column 11, lines 44-67).

As recited in claim 14, Kizaki et al. disclose a machine -readable storage medium containing a group of instructions to cause said machine to perform the storage management method (figure 3).

3. Claims 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiramatsu (6,069,311).

As recited in claims 5, 19, and 20, Hiramatsu discloses a tone generation apparatus to which a plug-in board (191-199) is removably attachable, said plug-in board being capable of generating a tone on the basis of performance information and extending a tone generating function of said tone generation apparatus, said tone generation apparatus comprising: a tone generation section (108) that generates a tone through an automatic performance or automatic accompaniment based on tempo clock information (column 2, lines 25-27; and column 8, lines 56-63); and a supply section that supplies the tempo clock information to said plug-in board attached to said tone generation apparatus (column 8, lines 56-63), whereby said plug-in board is allowed to generate a tone in synchronism with the tempo clock information supplied by said supply section (column 8, lines 28-63).

As recited in claims 9, 23, and 25, Hiramatsu discloses a tone generation apparatus to which a mono-part tone generator plug-in board is removably attachable, said mono-part tone generator plug-in board including a mono-part tone generator device that generates a tone in response to a performance of one particular

Art Unit: 2837

performance part from among performances of a predetermined plurality of performance parts, said tone generation apparatus comprising: a tone generation section (108) that generates tones of one or more performance parts in response to performances of one or more performance parts from among performances of a predetermined plurality of performance parts; a tone color selection section (150) that selects tone colors of tones to be generated by said tone generation section and said mono-part tone generator device (191, figure 1); and a control section that, when a tone color selected for a tone of one given performance part being generated by said mono-part tone generator device has been selected by said tone color selection section as a tone color for a tone of another performance part, inhibits generation of the tone of the one given performance part and performs control to cause said mono-part tone generator device to generate the tone of the other performance part with the selected tone color (column 10, lines 10-18).

As recited in claims 11, 27, and 29, Hiramatsu discloses a tone generation apparatus to which a mono-part tone generator plug-in board is removably attachable, said mono-part tone generator plug-in board including a mono-part tone generator device that generates a tone in response to a performance of one particular performance part from among performances of a predetermined plurality of performance parts, said tone generation apparatus comprising: a tone generation section (108) that generates tones of one or more performance parts in response to performances of one or more performance parts from among performances of a predetermined plurality of performance parts; a tone color selection section (150) that

Art Unit: 2837

selects tone colors of tones to be generated by said tone generation section and said mono-part tone generator device; and a control section that, when a tone of one given performance part being generated by said mono-part tone generator device corresponds to a manual performance and when a tone color selected f or the tone of the one given performance part has been selected by said tone color selection section as a tone color f or a tone of another performance part, inhibits generation of the tone of the other performance part and thereby allows said mono-part tone generator device to continue generating the tone of the one given performance part with the selected tone color (column 4, lines 52-60 and column 10, lines 10-18).

Allowable Subject Matter


4. Claims 10, 12, 24, 26, 28, and 30, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: The claims are indicated as allowable subject matter, because the prior art fails to provide the control section performing the substitution of tone color in combination with the mono-part generator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T Fletcher whose telephone number is 703-308-0848. The examiner can normally be reached on M-F.

Art Unit: 2837

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Marlon T. Fletcher
Primary Examiner
Art Unit 2837

MTF
March 23, 2003